

## MINUTES OF COUNCIL REGULAR MEETING – MAY 15, 2007

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, MAY 15, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Margaret K. Peterson  
Steve Vincent  
Mike Winder

Wayne Pyle, City Manager  
Sheri McKendrick, City Recorder

STAFF PRESENT:

Richard Catten, City Attorney  
Jim Welch, Finance Director  
Kevin Astill, Parks and Recreation Director  
Buzz Nielsen, Chief of Police  
John Evans, Fire Chief  
Russell Willardson, Public Works Director  
John Janson, Acting CED Director  
Nicole Cottle, Law Department  
Claire Gillmoor, Law Department  
Aaron Crim, Administration  
Craig Thomas, Administration  
Owen Jackson, Administration  
Russ Condie, Finance Department  
Kelly Davis, CED Department  
Jake Arslanian, Public Works Department

13260 **OPENING CEREMONY**

The Opening Ceremony was conducted by Dennis Nordfelt who read a thought regarding the “secret to happiness.”

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13261      **SCOUTS**

Mayor Nordfelt welcomed Scout Troop No. 566 in attendance to complete requirements for the Communications merit badge.

13262      **STUDENTS**

Mayor Nordfelt welcomed several students from Mr. Kendrick's class at Hunter Jr. High School in attendance to complete an assignment.

13263      **APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 1, 2007**

The Council read and considered the Minutes of the Regular Meeting held May 1, 2007. There were no changes, corrections or deletions.

After discussion, Councilmember Peterson moved to approve the Minutes of the Regular Meeting held May 1, 2007, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13264      **PROCLAMATION DECLARING WEEK OF MAY 21 THROUGH MAY 26, 2007, AS "FIESTA CELEBRATION WEEK" IN WEST VALLEY CITY**

Councilmember Burt read a proclamation declaring the week of May 21 through May 26, 2007, as "Fiesta Celebration Week" in West Valley City. Mayor Nordfelt encouraged those in attendance to participate in the events scheduled for the next week.

13265      **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individual(s) addressed the City Council during the Comment Period:

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Bryan Cragun, 2587 Vespa Drive, West Valley City, addressed the City Council. Mr. Cragun discussed a subdivision he was currently developing and stated because a proposed street name had a first and last name the County required it be brought before the City Council. He proposed to name the street in honor of Ryan Bennett, a friend who recently passed away. Mayor Nordfelt explained in order for the Council to take formal action regarding that issue, it would need to be legally noticed on an agenda. City Manager, Wayne Pyle, suggested Mr. Cragun contact and work with staff regarding the matter.

13266

### **PUBLIC HEARING, PUBLIC INPUT REGARDING THE PROPOSED GOOD LANDLORD PROGRAM**

City Manager, Wayne Pyle, stated per request of the City Council, a public hearing had been advertised and scheduled for the Regular Council Meeting scheduled May 15, 2007, at 6:30 P.M., for the Council to hear and consider public input from owners of apartments and other rental units, citizens, and others, regarding the proposed Good Landlord Program. Mr. Pyle presented the proposed program, and proposed Ordinance No. 07-29, Ordinance No. 07-30, Ordinance No. 07-31, and Resolution No. 07-75, to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-29, which would amend Section 1-2-104 of Title 1 of the West Valley City Municipal Code regarding disproportionate fees for the Good Landlord Program.

Mr. Pyle recommended amending Section 1-2-104 of Title 1 to include the fees associated with rental dwelling units and members of the Good Landlord Program. He stated landlords who chose not to participate in the program should be charged the full amount of the disproportionate services fee because those landlords would likely require the greatest amount of City services.

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-30 which would amend Sections 17-31-102 through 17-31-105 of Title 17 of the West Valley City Municipal Code regarding business licenses for rental dwellings.

Mr. Pyle stated the proposed amendment would reflect the Good Landlord Program operated in conjunction with the City's adoption of disproportionate impact fees as it affecting rental dwellings. He further stated the thrust of the Program was that those landlords who properly managed their rental units utilized less City services and, therefore, should not be subject to the full amount of the disproportionate services fee. He indicated, as a result, the Program provided a

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great incentive for landlords to manage their units in compliance with City ordinances as well as reduce the amount of City services for their units.

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-31 which would amend Section 3-2-102 of Title 3 of the West Valley City Municipal Code regarding City Manager responsibilities in the Good Landlord Program.

Mr. Pyle stated the proposed amendment was recommended to include the City Manager's responsibilities in the Program which was operated in conjunction with the City's adoption of disproportionate impact fees as it affected rental dwellings. He indicated primary responsibility for coordinating the Program would be delegated to the West Valley City Rental Unit Task Force and the City Manager would serve as the Task Force Director with full discretion in all matters affecting the Task Force and the program.

City Manager, Wayne Pyle, presented proposed Resolution No. 07-75 which would authorize use of a standard form agreement between West Valley City and applicants desiring to participate in the Good Landlord Program.

Mr. Pyle stated the goal of the Good Landlord Program was to provide financial incentive to landlords who implement the objectives of the program, keep their properties free of criminal activity, and maintain their properties free of certain code violations. He further stated the program authorized a discount to be applied to the disproportionate impact fees assessed against rental dwellings under the City's Consolidated Fee Schedule. He indicated in order to be part of the program, landlords would be required to execute a Good Landlord Program agreement and meet all requirements of that agreement.

The City Manager reported there were several advantages to entering into a private contract with a landlord. He stated that in a private contract the City could obligate the landlord to certain provisions not otherwise possible by ordinance. He stated, for example, the agreement would obligate a landlord to call the Police Department before authorizing the tow of a vehicle on the landlord's property. He indicated due to the controversial nature of the towing business, this requirement would not be possible by ordinance.

City Manager, Wayne Pyle, stated this matter had been continued from the Regular Council Meeting held April 24, 2007. He also explained the process used by staff to notify rental unit owners, citizens, media and others of the public hearing.

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Mr. Pyle advised that Paul Smith, representing the Utah Apartment Association, and Alan Anderson, President and CEO of ChamberWest, were in attendance at the meeting.

The City Manager requested Claire Gilmoor, Law Department, present an overview of the proposed program for the benefit of those in attendance at the meeting. Using a PowerPoint presentation, Ms. Gilmoor reviewed the proposed Good Landlord Program.

Mayor Nordfelt opened the public hearing.

Paul Smith, Executive Director of the Utah Apartment Association, addressed the City Council. Mr. Smith stated his organization represented about 5,000 rental units including large complexes and rental properties with a minimum of one unit. He also stated none of their members had said anything negative about the proposed program. He indicated they appreciated the City and staff who assisted in developing the program. He distributed written information regarding crime reduction in Ogden City as a result of implementing a similar program in 2004. He stated this could also happen in West Valley City as landlords became more educated. He related a brief story illustrating why landlords needed training. He stated landlords of large complexes were aware of processes and procedures for screening tenants; however, owners of rented single-family homes were often not as aware. He also stated it was important from a community sense that problems were addressed and landlords could assist by refusing to rent to those convicted of crimes or those that had a history of causing problems. He indicated they strongly supported this program and trusted the City to handle any issues that might arise. He stated the attorneys who represented their industry had no problems with the proposed contract. He stated, in his opinion, background checks would assist landlords in not renting to tenants who would cause problems. Mr. Smith answered questions from members of the City Council regarding the number of landlords that signed on with similar programs in other communities in Utah; the number of landlords not complying or who had dropped off the program; tenants evicted due to violations; how landlords were notified of the program in other cities; and if background checks were discriminatory and precluded some from getting a "second chance."

Kendra Miller, 5302 W. Wheatridge Lane, West Jordan, general manager of a company that owned several housing units in West Valley City, addressed the City Council. Ms. Miller stated her company supported the program and appreciated the opportunity to reduce business license expenses. She stated they were already doing some of the things recommended as part of the program such

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as background checks and income verification. She indicated her company would like to be rewarded as a good landlord. She answered questions from the City Council regarding requirements in the program for City review of files to ensure compliance.

Keith Nielsen, 7977 Gainy Ranch Court, Salt Lake City, addressed the City Council. He stated he was the owner of Valley Park Apartments, Board of Director Member of Utah Apartment Association, and co-author of a similar program in Ogden City. Mr. Nielsen thanked the City and staff for working with them regarding the subject program. He stated there were many positive points regarding the program; namely it was good for the City, its residents and landlords, as crime would likely go down. He stated all landlords would have an incentive to participate. He also indicated as a result of background checks tenant profiles would improve. He mentioned training for landlords would be provided and ultimately result in safer neighborhoods. He stated tenant turnover would also be reduced. Mr. Nielsen answered questions from members of the City Council regarding the requirement of landlords to pay a fee and take training every two years.

Alan Anderson, President and CEO of ChamberWest, 1241 W. Village Main Drive, West Valley City, addressed the City Council. Mr. Anderson stated he appreciated the work of everyone involved and their efforts regarding the proposed program. He stated ChamberWest did not oppose the program; but the Chamber board had expressed concerns regarding certain language in the contract. He discussed the language in question, noted concerns of the Chamber board, and suggested some possible language changes be considered for increased clarity. He stated ChamberWest requested the City seriously consider the agreement process currently in place in Ogden City and that it would possibly result in increased participation by landlords. He also expressed concern regarding language in one of the ordinances regarding ordinance enforcement; and they recommended Police Department and Ordinance Enforcement staff be involved in the training process so that all information could be provided to landlords at one time. Mr. Anderson answered questions from members of the City Council.

Dave Kokerhance, 102 West 500 South, Suite 200, Salt Lake City, addressed the City Council. Mr. Kokerhance stated he was a broker for Horizon Investment and Management, a property management company. He gave background regarding their business and stated they managed properties in West Valley City. He also discussed certain language in the contract regarding inspections. He stated his company had purchased Kings Row Apartments about five years ago and spent a

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lot of money fixing up and making renovations to the property because they cared how it looked. He further stated shortly after that the disproportionate fee ordinance had been passed. He indicated they had entered into dialogue with the City and had come to understand why the fees had been increased. Mr. Kokerhance stated most of the requirements in the program were part of their standard operating procedures and helped landlords protect their property. He also stated it was important to have the best tenants possible in their properties as that issue impacted them financially. He showed an operating manual used by their managers, along with extensive training, so those managers became educated. He indicated they had no problem with the requirement for training every two years even though some information might be repetitive, as other information could be new or updated. He indicated they were in favor of the proposed program and stated good landlords should be rewarded for doing a good job. He expressed a desire for a partnership with the City and especially the Police Department. Mr. Kokerhance answered questions from members of the City Council.

Michael McCauley, 3650 Jasmine Street, West Valley City, owner of two fourplexes on 4466 and 4478 Carnegie Tech, addressed the City Council. Mr. McCauley stated the proposed program would be great in a lot of ways, but he had concerns regarding the contract with the City. He indicated he had argued with the City for years over the ACE program and had been the one who forced the requirement of a courtesy notice. He further indicated the program would be wonderful for managers of several hundred units, but for those with only a couple of units it would not be that much relief in fees. Mr. McCauley stated that for the last three years it had been wonderful because he had not been harassed by the City. In the last six months he had been able to increase rents and had shown a small profit. He indicated the vacancy rate was only 2% now and in the past it had been 20-30%. He stated the “little guys” were now finally able to be choosy with tenants as there was more demand for rental units. Mr. McCauley indicated he hoped the contract would be eliminated from the program, and he answered questions from members of the City Council.

Eugenia Costanza, Property Manager of Crossroads Apartments located at 2240 West 3800 South in West Valley City, addressed the City Council. Ms. Costanza expressed support for the proposed program and stated she looked forward to working with the City.

Morris Gibson, 4766 West 4835 South, Kearns, Utah, addressed the City Council. Mr. Gibson stated he was one of the small landlords who were not sure about the proposed program. He also stated landlords were in business to make money, but

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because of the proposal and fees currently in place he was not looking for investment property in West Valley City. He stated he would never sign the contract with the City as it had too many problems. He also expressed concern regarding penalties as they were based on the form of business entity. He said the training would be burdensome.

Linda Carr, 2845 Estrada Way, Riverton, Utah, owner of 12 townhomes in West Valley City, addressed the City Council. Ms. Carr stated she was mostly in support of the proposed program. She also stated owners of larger complexes would save a lot of money, but fees would be a burden for smaller owners. She stated she had several tenants who had been renters of her units for many years, with neighboring units that had tenants who caused problems. She indicated if a person desired to be a good landlord, they would be one already. Ms. Carr expressed support for the program because she really needed a cut in fees. She expressed the need to review the contract further before taking a position. Ms. Carr stated she would not mind going to training and taking a refresher course every couple of years. She stated the proposed program was needed very badly in West Valley City.

Dave Colvin, 3271 S. Hillsdale Drive, West Valley City, addressed the City Council. Mr. Colvin stated he wished he owned more than two rental units. He indicated he desired to see a good city and agreed to the need for doing something to clean things up. He stated one tenant had lived in one of his units for seven years and the other for five years; and there had never been a call to the police. Mr. Colvin stated going through training would be good, but not every two years. He indicated if fees went too high he would have to raise rents and tenants would move out. He stated he took really good care of his rental units.

Boyd Stewart, 8748 South 910 East, Sandy, Utah, owner of a duplex in West Valley City, addressed the City Council. Mr. Stewart expressed concerns regarding a tenant who moved a mother-in-law in and stored belongings in the carport. He stated he had been given a notice by West Valley City to clean up the property. He indicated time frames, contract language and other issues concerned him; but there were other advantages to the program such as requiring background checks, etc. Mr. Stewart stated due to cost, small landlords did not always perform background checks. He indicated he was a real estate agent and expressed concerned there might be discrimination factors and/or some Federal regulations that would come into play. He stated one tenant had been there for eight or 10 years and he inquired if background checks would be required for tenants who had not been a problem. Mr. Stewart also inquired regarding some of the details on training and if information would be provided to landlords.



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Gary Taylor, 2014 S. Regal Cove Street, Cottonwood Heights, Utah, owner of Lakeside Village Apartments located at 1580 West 3940 South in West Valley City, addressed the City Council. Mr. Taylor stated he knew what a good landlord could do for another. He stated he endorsed training as landlords, approved of background checks, and also suggested the Ogden City agreement be used for West Valley City's program. Mr. Taylor suggested considering a license for manager's to be issued after several years of training.

Lawrence Gonzalos, 3539 South 5200 West, owner of a six-plex, addressed the City Council. Mr. Gonzalos expressed concern regarding terms of the proposed contract.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Mayor Nordfelt recessed the meeting at 8:12 P.M. and reconvened the meeting at 8:22 P.M.

Councilmember Burt declared a conflict of interest stating she owned five rental units in West Valley City. She stated the majority of those rental units were located in her district; however, she felt compelled to cast a vote as the people in her district deserved representation.

Councilmember Burt read a written statement aloud, "All moral people must abide within the laws of the nation, state, and city. To do otherwise puts us in conflict with the rights of others. But we must be ever vigilant, that our local laws and ordinances must not supersede the freedoms mandated by our national constitutional rights. We must bring bad landlords into compliance with lawful city ordinances so that they cannot introduce criminal activity or a downgrade of other people's property values. The question is how? The city should bring together city attorneys, police force personnel, fire dept personnel, and others with expertise to teach a quarterly clinic for landlords in best practices for residential rental business. This educational clinic would be mandatory in order to receive a business license in West Valley City. The city should charge a reasonable fee for this course perhaps \$50.00. This is currently practiced in Ogden. This educational clinic will, if handled properly, be a great asset to the landlords and the city in general. The landlords will be grateful for the perceived helpful attitude of the city and they will feel good about operating in West Valley City. Ogden conducts their own clinics and has no additional contracts. The business license fee should reflect the number of units per license. There should be a mandatory

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\$20.00 disproportionate fee per unit as part of the business license. If a rental unit becomes a problem because of actual disproportionate calls to the address (more than 2), that address must by ordinance for 3 years suffer a \$100.00 per year upgrade in disproportionate fees in order to maintain the business license. If there are no more problems after 3 years the original fee will be reinstated. You can bet the landlord will keep track of that. If the address continues to suffer with repeated calls to the address a higher fee will be mandated until the landlord decides to rid himself of the problem. A city rental board of adjustment may override an ordinance for special circumstances. If building and yard maintenance ordinance problems are encountered and there is an absentee landlord who will not maintain the units to livability standards he/she should be given big hefty fines until the problem is solved. The statutes outlined as in our new fine structure are acceptable including forfeiture of the business license. This would require that the city follow through over and over, but our job is to protect the rights of the neighborhoods. If livability issues are encountered and the city receives a complaint about a landlord's dereliction of duty, the tenant would surely permit entrance to city inspectors. Tickets should be issued and if not corrected in a timely manner, the business license should be pulled. The landlord should not be allowed to apply again until the city is allowed to inspect for corrections and other livability issues. After one ticket is issued, there is probable cause to conduct further due diligence (inspections) on the part of the city. All of these issues should be explained to attendees at the rental clinic. I see no need for an unconstitutional contract between the city and the landlord that can trample the tenant's right to privacy. This puts the landlord in a no man's land of having to comply with the contract signed with the city and a litigious tenant who may for one of many reasons want privacy of his identity maintained. If a tenant is suspected of doing something criminal and the city asks for reasonable cooperation from a landlord who has a large investment in his property, and has been through our landlord clinic, I feel sure that the police dept will receive all the help that is asked of the landlord. There will be no contract needed. Landlords want quiet enjoyment of their real estate investment. They would welcome the help of the city in ridding themselves of any criminal element. Please do not inflict this punitive contract on the city landlords. Please educate all landlords, and treat all landlords as good landlords until and unless they prove themselves to be bad landlords. Please don't send out the message that there are so many problems with rentals in West Valley City, that reasonable people will regard the city as a bad place to rent a home therefore shun living in our city. Let's go back to the drawing board and consider the probable consequences to each person we will be effecting with our new push for better residential rental improvement ordinances."

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Councilmember Brooks stated he desired to change the name of the proposed program to Volunteer Incentive Landlord Program. He also stated much had been said about Ogden City's program, but there was a need to make it better and the subject contract would do that. He stated issues regarding language clarification in the contract brought up by the ChamberWest representative and others should be taken into consideration. He indicated he had attempted to listen carefully to the comments during the public hearing and most had stated they thought the program would make things better and improve the City. He expressed concern about owners of small units, but stated this would be a volunteer program.

In response to a request by Councilmember Vincent to explain why the contract had been proposed rather than the method used by Ogden City of checking off boxes on an application on-line; Nicole Cottle, Law Department, discussed and provided an explanation. She stated the proposed program would be the "Cadillac" of voluntary incentive programs. She explained staff resisted Ogden's format for many reasons as they required the same things as in West Valley City's proposed contract and compliance, but it was filled out on-line. She stated West Valley City had a different form of government than Ogden and their program was administrative in function; the reason the contract would be better for West Valley City (from staffs' perspective) was it would give the City and landlords an extra layer of protection with a two way contract. She indicated there were statements in the contract that could help landlords through the process. Ms. Cottle stated there had been several issues raised during previous discussions with the City Council and during the public hearing regarding language in the contract and she explained the purpose for the specific language. She responded to questions from members of the City Council regarding the Rental Unit Task Force, background checks, the intent of certain language in the contract, etc.

City Manager, Wayne Pyle, stated that earlier Ms. Cottle had recommended some language changes. Ms. Cottle stated that after hearing some of the comments made during the public hearing there could be additional changes recommended. The City Manager expressed appreciation to Law Department staff for their efforts regarding this issue. Ms. Cottle further explained the responsibilities of the Task Force made up of staff members from several departments in the City. She indicated there had been some important improvements in some areas of the City as a result of the work of the Task Force and she discussed some specific examples. Ms. Cottle answered questions from members of the City Council.

Councilmember Winder stated he had not heard anyone objecting to the disproportionate fee during the public hearing. He stated it was also good it

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would be a voluntary program that would reduce a fee. He indicated there were many language changes suggested for the proposed contract that should now be considered. He indicated there was more good than bad and stated he felt the pain of the smaller landlords. He further stated the sad reality was that a criminal in a duplex was just as troublesome as one in an 800 unit complex. Councilmember Winder indicated there existed some major issues in the City needing to be solved and this would be a step in the right direction to make some corrections.

Councilmember Peterson stated the City Manager and staff had followed through with the City Council's direction to clean up the City. She indicated, in general, she remained excited about the subject program. She also expressed appreciation to Nicole Cottle and Claire Gilmoor, Law Department, for their work on the program.

Councilmember Coleman stated he had received a call from a constituent who was a property manager inquiring why a professional property manager should have to go through the program and stating there should be an alternative to the education component such as a competency test. Councilmember Coleman expressed a desire to consider some reasonable alternatives to the education program.

### **ACTION: ORDINANCE NO. 07-29, AMENDING SECTION 1-2-104 OF TITLE 1 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING DISPROPORTIONATE FEES FOR THE GOOD LANDLORD PROGRAM (*CONTINUED FROM APRIL 24, 2007*)**

The City Council previously held a public hearing regarding proposed Ordinance No. 07-29 which would amend Section 1-2-104 of Title 1 of the West Valley City Municipal Code regarding disproportionate fees for the Good Landlord Program.

After discussion, Councilmember Winder moved to approve Ordinance No. 07-29, An Ordinance Amending Section 1-2-104 of Title 1 of the West Valley City Municipal Code Regarding Disproportionate Fees for the Good Landlord Program. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	No
Ms. Peterson	Yes

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Mr. Winder	Yes
Mayor Nordfelt	No

Majority.

**ACTION: ORDINANCE NO. 07-30, AMENDING SECTIONS 17-31-102 THROUGH 17-31-105 OF TITLE 17 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING BUSINESS LICENSES FOR RENTAL DWELLINGS (*CONTINUED FROM APRIL 24, 2007*)**

The City Council previously held a public hearing regarding proposed Ordinance No. 07-30 which would amend Sections 17-31-102 through 17-31-105 of Title 17 of the West Valley City Municipal Code regarding business licenses for rental dwellings.

After discussion, Councilmember Coleman moved to approve Ordinance No. 07-30, An Ordinance Amending Sections 17-31-102 through 17-31-105 of Title 17 of the West Valley City Municipal Code Regarding Business Licenses for Rental Dwellings. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

**ACTION: ORDINANCE NO. 07-31, AMENDING SECTION 3-2-102 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING CITY MANAGER RESPONSIBILITIES IN THE GOOD LANDLORD PROGRAM (*CONTINUED FROM APRIL 24, 2007*)**

The City Council previously held a public hearing regarding proposed Ordinance No. 07-31 which would amend Section 3-2-102 of Title 3 of the West Valley City Municipal Code regarding City Manager responsibilities in the Good Landlord Program.

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After discussion, Councilmember Brooks moved to approve Ordinance No. 07-31, An Ordinance Amending Section 3-2-102 of Title 3 of the West Valley City Municipal Code Regarding City Manager Responsibilities in the Good Landlord Program. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

**ACTION: RESOLUTION NO. 07-75, AUTHORIZING USE OF A STANDARD FORM AGREEMENT BETWEEN WEST VALLEY CITY AND APPLICANTS WHO WISH TO PARTICIPATE IN THE GOOD LANDLORD PROGRAM (*CONTINUED FROM APRIL 24, 2007*)**

The City Council previously held a public hearing regarding proposed Resolution No. 07-75 which would authorize use of a standard form agreement between West Valley City and applicants who wished to participate in the Good Landlord Program.

After discussion, Councilmember Coleman moved to table proposed Resolution No. 07-75 and continue the matter to the Regular Council Meeting scheduled May 22, 2007, to review and consider various changes to the language in the proposed contract. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

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Unanimous.

After further discussion, Councilmember Brooks moved to change the name of the program to Voluntary Landlord Incentive Program. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	No
Mr. Brooks	Yes
Mr. Coleman	No
Ms. Burt	No
Ms. Peterson	No
Mr. Winder	No
Mayor Nordfelt	Yes

Motion failed - lack of majority.

13267      **PUBLIC HEARING, PUBLIC INPUT REGARDING THE TENTATIVE BUDGET FY 2007-2008**

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled May 15, 2007, at 6:30 P.M., for the City Council to hear and consider public comments regarding the Tentative Budget FY2007-2008.

Mr. Pyle explained a hearing had been advertised for this meeting prior to the Council making the decision to capture the judgment levy and hold the required “truth in taxation” hearing on August 14, 2007. He stated only public input would be taken at this meeting with no formal action to be considered at this time by the Council.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

13268      **ORDINANCE NO. 07-33, AMEND CHAPTER 3-9 OF TITLE 3 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING THE PUBLIC WORKS DEPARTMENT**

City Manager, Wayne Pyle, presented proposed Ordinance No. 07-33 which would amend Chapter 3-9 of Title 3 of the West Valley City Municipal Code regarding the Public Works Department.

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Mr. Pyle stated the proposed amendment would replace the Street Maintenance Division with the Operations Division and assign new duties to the Operations Division. He explained the retirement of Danny Montgomery, the City's Street Superintendent for the past ten years, prompted an evaluation of the Department organization. He indicated key department staff considered essential services provided by the Department and possible organizational changes to best provide those services.

The City Manager indicated the Operation Division had the responsibility of maintaining streets and storm drainage systems which had previously been part of the Street Maintenance Division. He further indicated that, in addition, the responsibility for maintenance of traffic control devices, pavement markings, and street lights had been transferred from the Engineering Division to Operations. He stated the Operations Manager would also manage the Sanitation Division.

Mr. Pyle explained benefits of the proposed organizational changes included the following: 1) better balance of workloads between Public Works Division heads; 2) combination of all operations and maintenance activities in one division; and 3) greater flexibility with existing human resources. There would be more manpower available to shift to high priority activities such as snow removal, when necessary.

After discussion, Councilmember Burt moved to approve Ordinance No. 07-33, An Ordinance Amending Chapter 3-9 of Title 3 of the West Valley City Municipal Code Regarding the Public Works Department. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.



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**RESOLUTION NO. 07-93, AUTHORIZE WEST VALLEY CITY TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE DRUG ENFORCEMENT ADMINISTRATION (DEA), SALT LAKE CITY, SALT LAKE COUNTY, THE UTAH DEPARTMENT OF PUBLIC SAFETY, MURRAY CITY, MIDVALE CITY, SANDY CITY, SOUTH SALT LAKE CITY, WEST JORDAN CITY, SOUTH JORDAN CITY AND THE UTAH DEPARTMENT OF CORRECTIONS (AGENCIES) FOR THE SALT LAKE METRO NARCOTICS TASK FORCE (TASK FORCE)**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-93 which would authorize West Valley City to enter into a Cooperative Agreement with the Drug Enforcement Administration (DEA), Salt Lake City, Salt Lake County, the Utah Department of Public Safety, Murray City, Midvale City, Sandy City, South Salt Lake City, West Jordan City, South Jordan City and the Utah Department of Corrections (Agencies) for the Salt Lake Metro Narcotics Task Force (Task Force).

Mr. Pyle stated several local law enforcement agencies, as stated above, and State and Federal agencies had united efforts and personnel to form the Salt Lake Metro Narcotics Task Force. He also stated the Department currently assigned a captain to command the task force and two detectives. He explained the proposed agreement would clarify responsibilities of participating agencies to establish the ground work for the administration and operation of the task force.

The City Manager reported the West Valley City Police Department had been an active participant and leader of the task force since its inception. He stated the task force initiated and investigated major drug related crimes, including DTO's (Drug Trafficking Organizations), money laundering, and cases requiring personnel or financial resources above what a local agency could supply.

After discussion, Councilmember Coleman moved to approve Resolution No. 07-93, A Resolution Authorizing West Valley City to Enter Into a Cooperative Agreement with the Drug Enforcement Administration (DEA), Salt Lake City, Salt Lake County, the Utah Department of Public Safety, Murray City, Midvale City, Sandy City, South Salt Lake City, West Jordan City, South Jordan City, and the Utah Department of Corrections (Agencies) for the Salt Lake Metro Narcotics Task Force (Task Force). Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13270

**RESOLUTION NO. 07-94, APPROVE ROAD IMPACT FEE REIMBURSEMENT AGREEMENT WITH ZIONS SECURITIES CORPORATION FOR 3100 SOUTH ROADWAY IMPROVEMENTS**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-94 which would approve a Road Impact Fee Reimbursement Agreement with Zions Security Corporation in the amount of \$359,058.77 for 3100 South Roadway Improvements.

Mr. Pyle stated Zions Securities Corporation provided certain roadway improvements to the City's major roadway system in excess of those necessary to provide for adequate access to the project. He indicated that as part of the construction of the Highbury Commons at Lake Park, the developer agreed to provide certain roadway improvements in excess of those necessary to provide for adequate access to their commercial subdivision project. Mr. Pyle stated Section 8-4-103 (4) of the City Code provided the City may reimburse the developer for the cost of constructing improvements to the major roadway system to the extent those costs exceeded the cost the developer was obligated to expend under City ordinances and State law for road improvements. The City Manager also advised that the total potential reimbursement that may become payable to the developer would be in the amount of \$359,058.77.

After discussion, Councilmember Winder moved to approve Resolution No. 07-94, A Resolution Authorizing the City to Enter Into a Road Impact Fee Reimbursement Agreement with Zions Securities Corporation for 3100 South Roadway Improvements. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes

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Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13271      **RESOLUTION NO. 07-95, APPROVE ROAD IMPACT FEE REIMBURSEMENT AGREEMENT WITH ZIONS SECURITIES CORPORATION FOR THE LAKE PARK BOULEVARD STREET IMPROVEMENTS CONSTRUCTED AT Highbury Commons**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-95 which would approve a Road Impact Fee Reimbursement Agreement with Zions Securities Corporation in the amount of \$392,561.95 for the Lake Park Boulevard Street Improvements constructed at Highbury Commons.

Mr. Pyle stated Zions Securities Corporation provided certain roadway improvements to the City's major roadway system in excess of those necessary to provide for adequate access to the project. He indicated as part of the construction of the Highbury Commons at Lake Park, the developer agreed to provide certain roadway improvements in excess of those necessary to provide for adequate access to their commercial subdivision project. Mr. Pyle stated Section 8-4-103 (4) of the City Code provided the City may reimburse the developer for the cost of constructing improvements to the major roadway system to the extent those costs exceeded the cost the developer was obligated to expend under City ordinances and State law for road improvements. The City Manager also advised the total potential reimbursement that may become payable to the developer would be in the amount of \$392,561.95.

After discussion, Councilmember Winder moved to approve Resolution No. 07-95, A Resolution Authorizing the City to Enter Into a Road Impact Fee Reimbursement Agreement with Zions Securities Corporation for the Lake Park Boulevard Street Improvements Constructed at Highbury Commons. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Ms. Peterson	Yes

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Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

13272

**CONSENT AGENDA :**

**A. RESOLUTION NO. 07-96, APPROVE RIGHT-OF-WAY AGREEMENT WITH KHAMSONE AROUNLANGSY AND PANYPORN AROUNLANGSY FOR PROPERTY LOCATED AT 2493 WEST 3800 SOUTH; AND ACCEPT WARRANTY DEED, PUBLIC UTILITY EASEMENT, AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT, 3800 SOUTH WIDENING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-96 which would approve a Right-of-Way Agreement with Khamson Arounlangsy and Panyporn Arounlangsy for property located at 2493 West 3800 South; and accept a Warranty Deed, Public Utility Easement, and Grant of Temporary Construction Easement regarding the 3800 South Widening Project.

Mr. Pyle stated Khamson Arounlangsy and Panyporn Arounlangsy had signed the Right-of-Way Agreement, Warranty Deed, Public Utility Easement, and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected and benefited by construction of the project. He indicated the owners had executed the Right-of-Way Agreement and Warranty Deed for the purchase of 50 square feet of right-of-way at the northeast corner of their lot to accommodate construction of an Americans with Disabilities Act (ADA) sidewalk ramp. He further indicated a public utility easement had also been signed to allow for placement of a street light and electrical conduit behind the sidewalk on the owners' property. He reported the owners had also signed the Grant of Temporary Construction Easement which would automatically expire December 31, 2007. The City Manager stated total compensation for purchase of the right-of-way and easements would be in the amount of \$1,000.00. He explained as the cost of an appraisal would likely exceed the actual value of the property and property rights being acquired, compensation had been based on a range of rates used by other entities for similar small acquisitions of property.

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**B. RESOLUTION NO. 07-97, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM DON J. BAWDEN, JR. AND MARSHA ANN BAWDEN, TRUSTEES OF THE DON J. BAWDEN, JR. AND MARSHA ANN BAWDEN LIVING TRUST, DATED THE 4<sup>TH</sup> DAY OF JANUARY, 2006, FOR PROPERTY LOCATED AT 2221 WEST 3800 SOUTH, 3800 SOUTH WIDENING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-97 which would accept a Grant of Temporary Construction Easement from Don J. Bawden, Jr. and Marsha Ann Bawden, Trustees of the Don J. Bawden, Jr. and Marsha Ann Bawden Living Trust.

Mr. Pyle stated Don J. Bawden, Jr. and Marsha Ann Bawden, Trustees of the Don J. Bawden, Jr. and Marsha Ann Bawden Living Trust, dated the 4<sup>th</sup> day of January, 2006, had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject project extended along the south side of 3800 South between 2200 West and 2700 West. He stated the subject parcel was one of the properties affected and benefited by construction of the project. He advised compensation for the Grant of Temporary Construction Easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2007.

**C. RESOLUTION NO. 07-98, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM ROBERT C. REID AND JANICE L. REID FOR PROPERTY LOCATED AT 2341 WEST 3800 SOUTH, 3800 SOUTH WIDENING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-98 which would accept a Grant of Temporary Construction Easement from Robert C. Reid and Janice L. Reid for property located at 2341 West 3800 South regarding the 3800 South Widening Project.

Mr. Pyle stated Robert C. Reid and Janice L. Reid had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected and benefited by construction of the project. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2007.

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**D. RESOLUTION NO. 07-99, APPROVE RIGHT-OF-WAY AGREEMENT WITH HOUR TAING ENTERPRISE, LLC, FOR PROPERTY LOCATED AT 2461 WEST 3800 SOUTH; ACCEPT WARRANTY DEED, PUBLIC UTILITY EASEMENT, AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT, 3800 SOUTH WIDENING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-99 which would approve a Right-of-Way Agreement with Hour Taing Enterprise, LLC, for property located at 2461 West 3800 South; and accept a Warranty Deed, Public Utility Easement, and Grant of Temporary Construction Easement regarding the 3800 South Widening Project.

Mr. Pyle stated Hour Taing Enterprise, LLC, had signed the Right-of-Way Agreement, Warranty Deed, Public Utility Easement, and Grant of Temporary Construction Easement.

The City Manager reported the subject parcel was one of the properties affected and benefited by construction of the project. He stated the owners had executed the documents for purchase of 50 square feet of right-of-way at the northwest corner of their lot to accommodate construction of an Americans with Disabilities Act (ADA) sidewalk ramp. He stated the Public Utility Easement would allow for placement of a street light and electrical conduit behind the sidewalk on the owner's property. Mr. Pyle reported the Easement would automatically expire December 31, 2007 and total compensation for the right-of-way and easements would be in the amount of \$1,000.00. He indicated as the cost of an appraisal would likely exceed the actual value of the property and property rights being acquired, compensation had been based on a range of rates used by other entities for similar small acquisitions of property.

**E. RESOLUTION NO. 07-100, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM GUY LINDSEY AND BARBARA V. LINDSEY FOR PROPERTY LOCATED AT 2225 WEST 3800 SOUTH, 3800 SOUTH WIDENING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-100 which would accept a Grant of Temporary Construction Easement from Guy Lindsey and Barbara V. Lindsey for property located at 2225 West 3800 South regarding the 3800 South Widening Project.

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Mr. Pyle stated Pamela Hansen, having Special Power of Attorney for Guy Lindsey and Barbara V. Lindsey, had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject property was one of the properties affected and benefited by construction of the project. He also reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2007. He stated copies of the Special Power of Attorney documents would be recorded with the Grant of Temporary Construction Easement.

**F. RESOLUTION NO. 07-101, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM LUCILLE COOKE AS TRUSTEE OF THE COOKE FAMILY TRUST, DATED AUGUST 25, 1993, FOR PROPERTY LOCATED AT 2323 WEST 3800 SOUTH, 3800 SOUTH WIDENING PROJECT**

City Manager, Wayne Pyle, presented proposed Resolution No. 07-101 which would accept a Grant of Temporary Construction Easement from Lucille Cooke as Trustee of the Cooke Family Trust, Dated August 25, 1993, for property located at 2323 West 3800 South regarding the 3800 South Widening Project.

Mr. Pyle stated Lucille Cooke had signed the Grant of Temporary Construction Easement.

The City Manager reported the subject project extended along the south side of 3800 South between 2200 West and 2700 West. He further reported the subject parcel was one of the properties affected and benefited by construction of the project. Mr. Pyle stated compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2007.

After discussion, Councilmember Coleman moved to approve Resolution Nos. 07-96, 07-97, 07-98, 07-99, 07-100 and 07-101 as presented on the Consent Agenda. Councilmember Peterson seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes

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Ms. Burt	Yes
Ms. Peterson	Yes
Mr. Winder	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, MAY 15, 2007, WAS ADJOURNED AT 9:32 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held May 15, 2007.

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Sheri McKendrick, MMC  
City Recorder